

IN THE COURT OF COMMON PLEAS  
ATHENS COUNTY, OHIO  
CIVIL DIVISION

Gregory Smith et al,

Relators,

v.

GREG CLEMENT, et al,

Respondents.

Case Number: 24 CI 0180

Judge McCARTHY

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**STAY ORDER PENDING APPEAL**

Now comes the Court this 1<sup>st</sup> day of August 2024 upon Defendant City of Nelsonville/Nelsonville City Council's Motion to Strike Relators Ex Parte Motion for Temporary Restraining Order and Motion for Preliminary and Permanent Injunction as well as their Notice of Appeal filed this day.

The Court notes that Relators' Petition for Mandamus herein was filed July 18, 2024 less than 30 days prior to the August 7, 2024 deadline by which the initiative was to be certified and sent to the Board of Elections. Further, Relator's Motion for injunctive relief was filed July 24, 2024. This is a case of first impression for this Court. After holding a hearing, the Court granted Relator's request only in part and Defendants have appealed. Therefore, if the Court were to grant Relators requested relief in full, the Court has no doubt some or all Defendants would have sought appeal in the matter, in part, due to issues raised at the hearing.

The Court also wants to avoid Nelsonville incurring additional costs in having to create and mail required items to all citizens of Nelsonville if the initiative is placed on the ballot as well as any expenses that may be required in preparing the ballots for the election since any appeal issue,

if found to have merit, could then take the initiative off the ballot.

Further, proceedings herein do not prevent Relators from submitting a similar initiative at the next appropriate election.

Additionally, the Court has concerns if the initiatives' timetable for a possible transition is long enough to be considered reasonable.

Based on the above, in part, the Court believes it would be wise to stay further proceedings until the Fourth District Court of Appeals has a chance to further review the matter.

Therefore, the Court issues a stay of all proceedings in the case pending appeal to the Fourth District Court of Appeals.

Accordingly, the hearing scheduled August 2, 2024 at 10:00 a.m. is hereby vacated.

IT IS SO ORDERED.



Judge George P. McCarthy

TO THE CLERK:

Please issue a copy of the foregoing to all parties of record via the clerk's electronic case management system.